

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/14 (06-09)

Approved for use through 07/31/2009. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Docket Number (Optional)
D2000-1WUS**RECEIVED
CENTRAL FAX CENTER****JUL 10 2009**

First named inventor: Janne KEROVUO

Application No.: 10/501,442

Art Unit: 1652

Filed: 10/29/2005

Examiner: Sheridan Swope

Title: Pectate Lyases, Nucleic Acids Encoding Them and Methods for Making and Using Them

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- Small entity-fee \$ 810 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
 Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in
 the form of _____ (identify type of reply):

- has been filed previously on _____
 is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ 1055 07/13/2009 VBUI11 00000002 500661 13581442
 has been paid previously on 07/08/2009 01 FC:2453 810.00 DA
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/64 (06-09)

Approved for use through 17/11/2019 OMB 0651 0133
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature
Jennifer Risser

Type or Printed name
VERENIUM CORPORATION - Intellectual Property Department

Address
PO BOX 910550, San Diego, CA 92191-0550

Address

July 10, 2009

Date
60,059

Registration Number, If applicable
858-526-0376

Telephone Number

- Enclosures: Fee Payment
 Reply
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unintentional delay
 Other: Evidence of filing a divisional application; Evidence of paying issue fee

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

July 10, 2009

Date


Signature
Jennifer Risser

Typed or printed name of person signing certificate

(Page 2 of 2)

App. No. 10/501,442 (conf. 8134)

D2000-1WUS (Patent)

**RECEIVED
CENTRAL FAX CENTER****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****JUL 10 2009**

In re Patent Application of:
Janne Kerovuo, et al.

Application No.: 10/501,442

Confirmation: 8134

Filing Date: October 29, 2005

Art Unit: 1652

For: **PECTATE LYASES, NUCLEIC ACIDS
ENCODING THEM AND METHODS FOR
MAKING AND USING THEM**

Examiner: Sheridan Swope

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

In response to the Notice of Abandonment, mailed July 8, 2009, Applicants respectfully request revival of the above-identified application.

Evidence of payment of the issue fee and publication fee, as well as evidence that a divisional application claiming priority to the instant application was filed are submitted herewith.

App. No. 10/501,442 (conf. 8134)

D2000-1WUS (Patent)

REMARKS

Applicants respectfully submit that the instant application became abandoned unintentionally.

The due date for payment of the issue fee was mistakenly docketed for 3 months from the date of the replacement Notice of Allowability, mailed on April 8, 2009.

Therefore, a divisional application claiming priority to the instant application was filed on July 8, 2009 under the presumption that the instant application was still pending. The issue and publication fees were also submitted on July 8, 2009, in accordance with presumption that the deadline for paying the issue fee was July 8, 2009.

A copy of the electronic acknowledgement receipt and Utility Patent Application Transmittal (form PTO/SB/05), evidencing the filing of the divisional application on July 8, 2009, is attached herewith. A copy of the Issue Fee Payment (form PTOL-85B) and transmittal letters, evidencing payment of the issue fee on July 8, 2009, are also attached herewith.

App. No. 10/501,442 (conf. 8134)

D2000-IWUS (Patent)

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that the application be revived under 37 CFR 1.137(b).

In the event any additional fees are due, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 50-0661. Please credit any overpayment to this account.

Date July 10, 2009

Respectfully submitted,



Jennifer Risser

Registration No. 60,059

VERENIUM CORPORATION
(Customer No. 29062)
Intellectual Property Department
P.O. Box 910550
San Diego, CA 92191-0550
USA

Phone (858) 526-0376
Fax (858) 526-0876
e-Mail jennifer.risser@verenium.com

JUL-10-2009 15:26 From:

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To:USPTO

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THE NATURE OF ENERGY.
FACSIMILE COVER SHEET

Date: July 8, 2009

To: Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Facsimile: (571)273-2885
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Attention:

From: VERENIUM CORPORATION (Customer No. 29062) Intellectual Property Department P.O. Box 910550 San Diego, California 92121-0550 USA	Facsimile: (858)526-0876
	Phone: (858)526-0376
	e-mail: jmwilson.rbaer@verenium.com

Re: Application No.: 10/501,442	Filed: 10/29/2003
Patent No.: N/A	Issued: N/A
Examiner: Sheridan Swope	Group Art Unit: 1652
Customer No: 29062	Confirmation No.: 8134
Inventor(s): Jannic Kerovuo et al.	
Title: Peptide Lyases, Nucleic Acids Encoding Them and Methods for Making and Using Them	
Attorney Docket: D2000-1WUS	

TRANSMITTAL DOCUMENT INFORMATION (Check all that apply)	
Transmittal PTO/SB/21	1
Form B - Fees Transmittal PTOL-85	1
Credit Card Payment Form	1

Total pages (including this page): 4

Note(s):

If you are not receiving this fax properly or have not received all pages, please telephone us immediately at the contact information listed on this page.

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PAGE 1/4 * RCVD AT 7/8/2009 8:01:35 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/40 * DNIS:2732885 * CSID: * DURATION (mm:ss):01:28

PAGE 8/15 * RCVD AT 7/10/2009 6:36:56 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID: * DURATION (mm:ss):03:02

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Doc Code: TRAN.LET

Document Description: Transmittal Letter



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PTO/SB/21 10-091
Approved for use through 07/31/2009. OMB 0651-0091
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(To be used for all correspondence after initial filing)

Total Number of Pages on This Application: **13**

Application Number	112/511,460
Filing Date	10/24/2006
First Named Inventor	Juris Karavas
Art Unit	1632
Examiner Name	Bernard Ewops
Attorney Docket Number	00000-1WUS

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTOL-19 (1 pg) Credit Card Payment Form
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD. Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks: _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.63		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	VERENIUM CORPORATION		
Signature	/ Jennifer Rissner		
Printed name	Jennifer Rissner		
Date	July 8, 2009	Reg. No.	60,059

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage or first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Jennifer Rissner

Date

7/8/09

This section of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit which is to be paid by the USPTO to process an application. Confidentiality is guaranteed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.12. The retention of information is 2 hours to complete, reviewing, processing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 24 * RCVD AT 7/8/2009 8:01:33 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-640 * DNI:2732885 * CSID: * DURATION (mm:ss):01:28

PAGE 9/15 * RCVD AT 7/10/2009 6:36:56 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/6 * DNI:2738300 * CSID: * DURATION (mm:ss):03:02

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JUL 08 2009

JUL 10 2009

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence regarding the Patent, Patent orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CERTIFICATION OF TRANSMISSION: I, a responsible person, declare under penalty of perjury that the above information is true and correct.

Note: A certificate of mailing can only be sent for domestic mailings of the fee(s) transmitted. This certificate cannot be used for any other accompanying papers. Each additional paper, such as my assignment or formal drawings, must have its own certificate of mailing or transmission.

20052 7690 04/08/2008

VERENIUM CORPORATION
Intellectual Property Department
P.O. Box 910550
SAN DIEGO, CA 92191-0550

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Jennifer Risser
Signature
7/8/09
Date

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,442	10/29/2005	Janne Karvun	D2000-1WUS	8134

TITLE OF INVENTION:

PECTATE LYASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM

APPLN TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEES DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$1055	07/08/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
SWOPE, SHERIDAN	1652	536-023100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.361)

- Change of correspondence address (or Change of Correspondence Address form PTO/AIA/12) attached.
 "Fee Address" indication (or "Fee Address" indication form PTO/SB/47; Rev. 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page. (If)
(1) the name of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 3 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Jennifer Risser

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PIFASk NOTR. Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for retransmission to the funds in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

VERENIUM CORPORATION

(B) RESIDENCE (CITY AND STATE OR COUNTRY)

SAN DIEGO, CA.

Please check the appropriate assignee category (will not be printed on the patent) Individual Corporation or other private entity Government
d. The following fees(s) are enclosed.

4b. Payment of fees(s).

- Item Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____
- A check in the amount of the fees(s) is enclosed.
 Payment by credit card. Form PTO/WUS is attached.
 The Director is hereby authorized to charge the required fees(s), or credit any overpayment, to Deposit Account Number _____

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 17 CFR 1.27
 b. Applicant is no longer claiming SMALL ENTITY status. See 17 CFR 1.17(g)(2)

The Director of the USPTO is empowered to apply the issue fee and Publication Fee (if any) or to reapply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Jennifer Risser/

Date 07/08/2009

Typed or printed name Jennifer Risser

Registration No. 80,059

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	D2000-1D1
First Inventor	Janno KEROVUO
Title	Pectate Lyases, Nucleic Acids Encoding
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- 1 Fee Transmittal Form (e.g., PTO/SB/17)
- 2 Applicant claims small entity status
See 37 CFR 1.27.
- 3 Specification [Total Pages 161]
Both the claims and abstract must start on a new page
(For information on the preferred arrangement, see MPEP 608.01(a))
- 4 Drawing(s) (35 U.S.C. 113) [Total Sheets 10]
- 5 Oath or Declaration [Total Sheets 5]
a. Newly executed (original or copy)
b. A copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. **DELETION OF INVENTOR(S)**
Signed statement attached relating inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b)
- 6 Application Data Sheet. See 37 CFR 1.76
7. CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
 Landscape Table on CD
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, items a. – c. are required)
a. Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. CD-ROM or CD-R (2 copies); or
ii. Paper
c. Statement verifying identity of above copies

18 If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

of prior application No. 10/501,442

Prior application information.

Examiner_Sheridan,Swore

Art Unit 1852

19. CORRESPONDENCE ADDRESS

 The address associated with Customer Number: 29082 OR Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Email	

Signature	/Jennifer Risser/	Date	July 8, 2009
Name (Print/Type)	Jennifer Risser	Registration No. (Attorney/Agent)	60,059

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EFS ID:	5667417
Application Number:	12499698
International Application Number:	
Confirmation Number:	1816
Title of Invention:	PECTATE LYASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM
First Named Inventor/Applicant Name:	Janne Kerovuo
Customer Number:	29062
Filler:	Jennifer Lynn Risser
Filler Authorized By:	
Attorney Docket Number:	D2000-1D1
Receipt Date:	08-JUL-2009
Filing Date:	
Time Stamp:	18:47:47
Application Type:	Utility under 35 USC 111(a)

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1	Transmittal of New Application	20090708TransmittalD20001D1.pdf	320465 0910/44487W/11834NP/1eN1VU/14555	no	2
Warnings:					
Information:					
2	Oath or Declaration filed	D20001WU\$ExecutedDeclaration.pdf	164469 09+0vG27+12531Jh37A3b2+3+5210J2762 015e	no	5
Warnings:					
Information:					
3	Drawings-only black and white line drawings	20090708DrawingsD20001D1.pdf	254848 d2/c4JJ62+wGJB3051L42251u519003d45 b221	no	10
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The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
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4	Application Data Sheet	20090708ADS20001D1.pdf	8328G hnn11/2/107VH0/1A1427w/Amnhd913 B4220	no	6
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5		20090708SpecificationD20001D1.pdf	817220 43352d0r67d8e03591cd1572d90640cf21 rt/1/m	yes	161
Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Specification			1	150	
Claims			159	160	
Abstract			161	161	
Warnings:					
Information:					
6	Sequence Listing (Text File)	20090708SequenceListingD20001D1.txt	369082	no	0
Warnings:					
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7	Fee Worksheet (PTO-875)	fee-info.pdf	36649 JB121931-L5446JB134680...>7485d0b009 3b92	no	?
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			Total File Size (in bytes):	2016019	
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